



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,212	10/24/2003	Jeffrey Stephen Tomaka	330537-00003	2272

27160 7590 04/25/2005

KATTEN MUCHIN ZAVIS ROSENMAN
525 WEST MONROE STREET
CHICAGO, IL 60661-3693

EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
----------	--------------

3611

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,212

Applicant(s)

TOMAKA, JEFFREY STEPHEN

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
on page 7, line 5, the phrase "C-shaped flat surface 62" is not descriptive. It unclear how a C-shaped surface can be flat. The examiner will consider favorably the phraseology "C-shaped surface 62"

The reference numerals "72" has been used to designate both side wall (page 7, line 9 and "electroluminescent display" (page 7, line 15);

it appears as if the phrase "microswitch actuator 24" recited on page 7, line 23-24).

Appropriate correction is required.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "72" has been used to designate both side wall (page 7, line 9 and "electroluminescent display" (page 7, line 15). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 3611

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, the phrase "the device" lacks antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 6, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakuma et al., Japanese Patent 07-306376.

Sakuma teaches a film viewer comprising a housing 10 formed with a transparent front window (not labeled) for receiving films 11, 13 to be viewed and a film grip assembly 12, 14 mounted on the housing adjacent the viewing window for holding films. Sakuma also teaches a photo-sensor 21 for switching the lamp on whenever a film is inserted into the film grip assembly and turning off the lamp when the film is removed.

Sakuma does not specifically teach a lamp disposed beneath the viewing window for illuminating the transparent window and an electrical power source for providing electrical power to the lamp.

Pokrinchak teaches a film viewer comprising a housing 11 formed with a window 13 for receiving films to be viewed and a film grip assembly 37 mounted on the housing adjacent the viewing window for holding films. Pokrinchak also teaches a spring bias clip for holding the film in place in front of the window. Pokrinchak also teaches a lamp 19 disposed beneath the viewing window for illuminating the viewing window and an electrical power cord connected to a power source for providing electrical power to the lamp, wherein the housing is configured as a clipboard.

It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the film viewer taught by Sakuma with the lamp mounted beneath the transparent window and a electrical power source as taught by Pokrinchak to provide means to back light the film placed on the viewer to create a more uniform illumination of the film and the provide a means to selectively activate the lamp.

With respect to claim 3, the power cord taught by Pokrinchak is connected to AC power source.

With respect to claim 6, the sensor taught by Sakuma is a photo-sensor that is an optical sensor.

With respect to claim 5, since the applicant does not disclose that the micro-switch or optical sensor solves any stated problem or is for any particular purpose, it

Art Unit: 3611

appears that constructing the illuminated device the switch mechanism taught by Sakuma would perform equally well

With respect to claim 8, both Sakuma and Pokrinchak teaches the film grip assembly or clip includes a top plate connected to the housing in a cantilever configuration defining a film receiving slot between the plate and the surface of the window.

With respect to claim 9, Pokrinchak teaches the top plate includes at least bosses and the spring bias clip includes a plurality of balls 41 and springs 42 received the bosses 38 configured such that the biased are biased toward the housing.

With respect to claim 10, Sakuma and Pokrinchak teach housing having a flat bottom surface and is therefore configured to rest on a flat surface.

1. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakuma in view of Pokrinchak as applied to claim 1 above, and in further view of Hill, U. S.

Patent 5,174,607. Hill teaches an illuminated clip board made of plastic. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the illuminated device taught by Sakuma and Pokrinchak of a plastic material as taught by Hill to provide a light weight and durable device.

2. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakuma and Pokrinchak as applied to claim 1 above and in further view of Abrams, U. S. Patent 4,751,615. Abrams teaches an illuminated clipboard utilizing either AC power or DC (battery) power. It would have been obvious to one having ordinary skill in the art at the this invention was made to construct the device taught by Sakuma and

Art Unit: 3611

Pokrinchak adapted to use AC or DC power as taught by Abrams to provide a means to utilizing the device using electrical power supply in building or to make the device portable.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pokrinchak as applied to claim 1 above and in further view of Wright et al, U. S. Patent 4,751,620. Wright is cited to show an illuminated clipboard with a knob next to hasp 38 in figures 1 and 2. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the illuminated device taught by Sakuma Pokrinchak with the knob taught by Wright to provide a means to hold when handling or moving the device.

Allowable Subject Matter

4. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

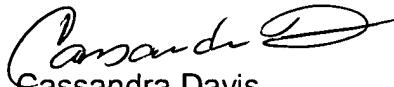
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schmid, German Patent DE 38 43 343 is cited to show a film viewer having photosensors to turn a light on and off in response to the presence of a film on the viewer.

Art Unit: 3611

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
April 18, 2005